The A. F. of L. Weekly News Service gives news, economic and editorial interpretations of matters of labor interest serving in the industrial, legislative, and judicial fields, and especially the information of benefit to the trade union movement.

AMERICAN FEDERATION OF LABOR

WEEKLY NEWS SERVICE

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WHOLE NO. 1521 | WILLIAM GREEN, President | WASHINGTON, D. C., TUESDAY, JUNE 4, 1940 | GEORGE MEANY, Secretary-Treasurer | VOL. 30, NO. 23

FACING the FACTS
With PHILIP PEARL

Law and justice, even in enlightened countries, sometimes are poles apart. Never was this truth so strikingly illustrated as in the recent Supreme Court decision on the hours of work applicable to trucking and bus employees.

The majority ruling, in which five of the so-called "liberal" members of the court joined, was hailed in labor circles because it so construed the law as to give thousands of truckers and bus employees a maximum 42-hour week under the Wage-Hour Act. Hitherto these employes were subject to a 60-hour maximum work week as set by the Interstate Commerce Commission.

The Supreme Court held that only employes upon whose work the safety of operation depends are subject to the jurisdiction of the Interstate Commerce Commission.

Thus, the law as interpreted by the Supreme Court, now produces this effect:

1. Clerical workers, mechanics, helpers, loaders and other employes of motor transportation companies, whose work does not affect safety of operation, cannot be employed more than 42 hours a week.

2. Truck drivers and bus drivers, upon whose alertness and generally good physical condition the safety of operation chiefly depends, can be employed as much as 60 hours a week.

This may be good law, but it is just plain ridiculous in fact.

The I. C. C. Must Act

Of course, we do not mean to criticize the Supreme Court's decision. We think it did a fine thing in going as far as it did. In fact, we think it went as far as it could. The responsibility for the present absurd situation rests upon the members of the Interstate Commerce Commission.

Certainly, it is about time that the members of this commission woke up to present day facts. The 60-hour week is a vicious anachronism, a relic of the wage-slaving past. It should be discarded as quickly as possible.

Daniel J. Tobin, President of the Teamsters Union, and William Green, President of the American Federation of Labor, have appealed in vain to the Interstate Commerce Commission to junk its outmoded hours regulations and get in step with modern developments. If the Supreme Court of the United States, if the people of the United States, if the Congress of the United States can recognize the justice of organized labor's demands for the shorter work week, surely a bureaucratic commission ought finally to see the light of common sense.

The decision of the Supreme Court was a fine thing for the clerical workers, the mechanics, the helpers and the loaders in the motor transportation industry. Simple justice and the requirements of safe transportation should make the Interstate Commerce Commission realize that the shorter work week also must be extended to the men who operate the trucks, for the lives and safety of passengers and freight, the men who sit at the wheel of motor vehicles, traveling the nation's highways.

Scope of Anti-Trust Laws Defined

Another Supreme Court decision, handed down the same day, calls for comment. This was the Court's ruling in the Apex Hosiery case.

Careful reading of the opinion in this case leads to the inescapable conclusion that the Court now recognizes that the Sherman Anti-Trust Act is not an instrument for policing interstate commerce but rather an act calculated to remove a specific economic evil resulting from trusts and business combinations which control markets by monopolistic practices.

The best part of this decision is the fact that it greatly curtails the applicability of the Sherman Act to labor unions and their activities. True, the Court did reject the theory that the Clayton Act entirely exempted labor organizations from prosecution under the Sherman Act. But the Court declared that the applicability of the Act to labor unions is greatly limited.

The only possible circumstance, under this decision, in which labor unions may be prosecuted for violation of the anti-trust laws is when they are used by a combination in an attempt to fix prices or create a monopoly.

Thus, the vast bulk of the indictments brought by Assistant Attorney General Thurman Arnold against labor unions affiliated with the American Federation of Labor appear to have been effectively squelched by the Supreme Court.

The American Federation of Labor does not defend collusion between unions and industry to fix prices. If such practices, however, still exist, they should be wiped out immediately by the unions involved. Otherwise, those responsible should be punished to the full extent of the law.

$60,000,000 Voted by Senate to Build Hospitals in Rural Low-Income Areas

Washington, D. C.—The Senate passed and sent to the House of Representatives the bill introduced jointly by Senator Wagner of New York and Senator George of Georgia to provide a six-year $60,000,000 program of Federal-State-local hospital construction.

The main purpose of the measure is to increase hospital facilities primarily in rural and "economically depressed" areas. The bill accordingly stipulates Federal construction of hospitals to be leased to States or communities and also grants for State and local construction.

Senator James E. Murray of Montana, in charge of the bill on the Senate floor, said it "is not an effort to deal with the total problem of national health," but "an experiment on a limited scale to meet in a limited but recognized way the problem of inadequate hospitalization facilities in the country, and is designed to assist States and counties by the payment of grants-in-aid in securing such facilities where the need is most acute. This entire program of hospital construction, covering a period of six years, is estimated to cost the total sum of $60,000,000, together with the funds which the States and local units may reasonably be expected to raise, could hardly provide more than 25,000 to 30,000 beds. This is a very small start, indeed, in comparison to the total need of the country. It is, of course, in the rural low-income areas of the country that these hospitals are mostly needed."

$43,300,000 Paid Jobless Workers; 62,364 More on Old Age Pension List

Washington, D. C.—Paul V. McNutt, Federal Security Administrator, said the Social Security Board reports show that 901,000 insured workers received unemployment benefits during April as compared with 1,096,000 in March. The total amount of benefits paid in April was $43,300,000, representing a ten per cent drop from the previous month.

Since the first of the year Mr. McNutt said 62,364 names have been added to the Social Security Board's contributory old age pension list. In making these figures public he noted that the number of claims from retired workers over 65 and from their wives was exceeding advanced estimates by nearly 20 per cent. The average payments to retired workers increased slightly more than $20 a month, and to wives it is less than $12, he said.

Taking up government activities in locating jobs for the jobless Mr. McNutt announced that public employment offices in 46 states increased job placements of more than 20 per cent in April as compared with March. A total of almost 300,000 jobs were found for workers, of which about 250,000 were in private industry.

Communists, Bund Members, Barred From Civil Service Employment

Washington, D. C.—The United States Civil Service Commission barred Communists and members of the German-American Bund from future employment in Federal jobs covered by Civil Service.

The order came as Congress opened legislative hearings to check fifth column activities in the United States.

A commission spokesman refused to elaborate on the commission's terse announcement:

"The United States Civil Service Commission has decided officially that, as a matter of policy, it will not certify any department or agency the name of any person when it has been established by the Commission that the Communist party, the German Bund, or any other Communist or Nazi organization

The order apparently would not affect those persons already in the classified service, but it would bar new members of such organizations.

ASKS FASTER JOBLESS AID

Albany, N. Y.—Miss Frieda S. Miller, State Industrial Commissioner, is backing a plan to shorten the three weeks' waiting period for jobless payment insurance payments. She said that too great a financial strain was being placed on many unemployed cases by unemployment insurance checks. She pointed out that under the present regulations recipients of checks generally waited about a month the three weeks specified by law before they obtained any unemployment benefits.

National Defense Requires Action To End Unemployment, Says Meany

Offers 7-Point Program to Cure Idleness of Workers, Machines and Capital.

Washington, D. C.—Declaring that continuing unemployment is "the most serious breach in our national defense," George Meany, Secretary-Treasurer of the American Federation of Labor, offered a seven-point program to end enforced idleness of workers, machines and capital.

In an address before the Interfaith Conference on Unemployment, Mr. Meany emphasized that "the future course of our nation and the very survival of our democratic institutions" depends on the ability of the American people to end unemployment.

On behalf of American labor, Mr. Meany proposed the following programs:

"1. A long-range program of permanent public works, planned in advance, which could be expanded and curtailed to offset fluctuations in private construction activity. Immediate priority to be given to projects which are called for by national defense needs and which will be of continuing permanent value to the nation, such as coastal and transcontinental express highways, and hospitals.

"2. Continuation and expansion of slum-clearance and low-rent housing program administered by the United States Housing Authority and the addition of this program for construction of industrial housing necessary to aid the defense production experience of the USHA in the construction of workers' housing. Its knowledge of each local problem will make possible, in place of barracks, construction of good industrial housing with extreme speed and with assurance that this housing will not be a total loss at conclusion of emergency but a permanent asset, available to low-income families in the future.

"3. A program of federal insurance of long-term loans made by private lending institutions to give active expansion. This plan is proposed by the American Federation of Labor to provide a productive outlet for pent-up savings by partial insurance by federal government of private loans for plant expansion on the condition that minimum competitive and labor standards be met. Thus, an element of long-term stability is to be introduced through the use of private funds in place of direct loans by the federal government. The already available machinery of the RFC is to be utilized in the administration of this program. To the success of the program the American Federation of Labor pledges its support and active cooperation.

"4. Maintenance of the minimum wage and maximum hour standards and improvement of labor standards through collective bargaining to insure full measure of reemployment and increase real purchasing power to those who work.

"5. A national program of vocational and apprentice training based on national minimum standards developed by agreements of representative groups concerned.

"6. Enlargement and improvement of the placement facilities of the United States Employment Service.

"7. Full measure of relief to workers and their families as long as these workers remain unemployed."

Mr. Meany denied the prevalence of the claims that the unemployed are not willing to work. He cited recent examples of more than 20,000 workers applying for work where only 250 jobs were available. He concluded:

"National defense means not only the defense of lives, homes, communities and resources. To the American people, national defense also means the defense of their democratic institutions, the defense of government by consent and the defense of those fundamental rights we have inherited with citizenship in a living democracy and which make up the American way of life."

AFL UNIONS URGED TO AID RED CROSS

Washington, D. C.—President William Green and Secretary-Treasurer George Meany appealed to every organization affiliated with the American Federation of Labor to contribute "promptly and generously" to the American Red Cross which has launched a campaign to raise $10,000,000 for war relief purposes.

In a joint letter to all National and International Unions, State Federations of Labor, City Central bodies and directly affiliated local unions, they said in part:

"The need of the hour and the call for help from the Red Cross goes out to the unfortunate victims of the war in Europe and we must make personal sacrifices to give to help individually and collectively to the fullest extent of our ability. Our sympathy for suffering humanity in the most tangible and helpful way.

"We can assure the officers and members of the American Federation of Labor that the need for help and assistance is very great. The probabilities are that even though we all give generously and freely we can not meet more than the minimum requirements of suffering humanity.

"Give out of your treasuries in such assistance as you may find it possible to contribute.

"Let labor do its full part at this tragic period in the world's history. We appeal in behalf and in the name of the American Federation of Labor and from this humanitarian organizations chartered by and in affiliation with the American Federation of Labor."

NLRB POLLS ORDERED

Washington, D. C.—The following elections to select collective bargaining agents were ordered by the division of the National Labor Relations Act of the National Labor Relations Board to be held within 30 days:

All hourly paid employes of Olin Corporation, Liberty Powder Company Division, Mt. Braddock, Pa., to determine whether they desire to be represented by United Explosive Workers of America, Local No. 133, independent labor organization; by United Powder and High Explosive Workers of America, Local No. 1283, affiliated with the American Federation of Labor, or by neither.

Machinists and specialists, together with helpers, apprentices and helpers, employed by Reeves Pulley Company, Columbus, Indiana, to determine whether they desire to be represented by Columbus Local Lodge No. 1466, International Association of Machinists, affiliated with the American Federation of Labor, or by Transmission Workers Union, Local No. 133, Columbus, Indiana. (This is a run-off election.)

General Motors Corporation, Chevrolet Motor Division in Baltimore and Fisher Body Division (Plant No. 40) in Detroit with both the A. F. of L. and CIO Auto Workers Unions on the ballots. (These are run-off elections.)

UNIONS MITIGATE MACHINERY EVILS

Washington, D. C.—Organized labor is the only group in the country that has made a definite and constructive contribution toward mitigating the evils of technological displacement of workers by machines.

This is the conclusion drawn by Assistant Works Progress Administrator Corrington Gill in a voluminous report covering a five-year study of the problem.

Gill and his investigators found that the unions, in a "positive and constructive manner," are trying to make the machine socially useful, rather than an instrument of destruction.

This commendable object, the report points out, has obtained little cooperation from industrialists, who in the main have taken a fatalistic mentality through which to wreck labor unions, reduce wages and increase hours.

In a letter transmitting the report to Colonel Francis C. Harrington, WPA commissioner, Gill voices a sympathetic attitude towards unions in their efforts to deal with the machine and to "minimize the serious hardships" which it imposes on workers.

The questions which concern union leadership, Gill points out, are: How many workers will the machine displace; and what will happen to them when they are no longer needed on their old jobs?

"In their attempt to meet the problem raised by these questions," Gill adds, "the unions have evolved a variety of measures aimed to control the rate of mechanization, limit hours of work and work loads, retrain workers for new jobs, and help such workers to other jobs. Other union goals are the payment of adequate wages, old age retirement systems, the improvement of health and safety standards and the maintenance of wage rates."

Problem Clearly Recognized

Union leadership has clearly recognized, the report says, "that technological changes frequently result in the employment of unskilled in place of skilled workers, women in place of men, and younger in place of older workers.

"The opportunity to reduce labor costs through the payment of lower wages," the report adds, "has acted as an incentive to such shifts."

Jurisdictional quarrels between unions, which have been criticized by labor foes and have recently been made the basis of criminal prosecutions by the Department of Justice, "are simply a reflection of efforts by unions to safeguard jobs and labor conditions," according to Gill.

"The primary object behind all trade union activities in respect to technological change, it should be remembered, has been the protection of employment opportunities and wages and working conditions."

2 FIRMS LOSE PERMITS FOR HOSIERY LEARNERS

Washington, D. C.—The Wage and Hour Division of the Department of Labor announced the cancellation of learner's certificates issued to the Marshall Hosiery Mills, Inc., of Benton, Ky., and to the Royal Manufacturing Co., of Washington, Ga. Employing more learners than authorized was included among various violations of the provisions of the certificates.

News Briefs

GOVERNMENT EMPLOYES AGE LIMIT IS RAISED

Washington, D. C.—Government age limits on the hiring of skilled workers are being lifted to speed the national defense program it was announced.

Rules under which 48 years had been set as the maximum age for new employes in the navy yards are to be relaxed to 50 years, the Commission, and at the same time yard commandants are to be given authority to rehire retired mechanics now out on pensions.

These changes being put into effect include extension of the work-week to 48 hours in many of the yards, but with time and one-half pay above 40 hours. Employes will also be allowed to work during their annual leaves, if the emergency requires, and draw their vacation pay plus regular wages.

LOW-COST HOUSING FOR 16,509 N. Y. FAMILIES

New York, N. Y.—Gerard Swope, in his first report as chairman of the New York City Housing Authority, announced that when the housing projects in the city under construction or about to be constructed are completed, low-cost apartments will be available to 16,509 families. This includes the 1,944 apartments available in the public housing developments already completed.

"The housing conditions in New York," Mr. Swope said, "have shown such large numbers to be living in dwellings constituting hazards and lacking several essential facilities that the authority established very stringent housing requirements for the prospective tenants of the projects."

HOSIERY FIRM FINED ON WAGE LAW CHARGE

Philadelphia, Pa.—For ignoring a United States Court order to pay workers in its Southern branch plant in Etowah, Tenn., the prescribed minimum under the Fair Labor Standards Act of 1938, the Wear Well Hosiery Mills, Inc., and two of its officers were fined $3,500 by Federal District Judge J. P. McGranery, in contempt of court citation. The officers and the company pleaded guilty to the contempt charges when arraigned on a citation issued by Philip B. Fleming, head of the U. S. Labor Department Wage and Hour Division, who asserted that the company had consistently failed to employ workers at below the minimum standard despite an injunction issued by the Federal Court in April, 1939.

G. V. FAY DIES AT 70; UPHOLSTERERS OFFICIAL

St. Louis, Mo.—George V. Fay, for many years International Secretary-Treasurer of the International Association of Journeymen Upholsterers of North America, died here June 1 on the eve of the opening of the 70th annual convention of the Upholsterers International Union.

Mr. Fay, a resident of New York, was stricken en route to St. Louis and upon his arrival here was removed to a hospital where he passed away. He was seventy years of age.

In addition to being an official of the Upholsterers Union, he was a member of the Advisory Board of the Labor Division, Labor Department of Labor of New York State, having been appointed several times to that post, first in May, 1933, and reappointed by Gov. Lehman a few months ago.

LYONS HITS SCHEMES TO SCRAP LABOR LAWS

New York, N. Y.—Thomas J. Lyons, president of the State Federation of Labor, called upon Senators Robert F. Wagner, James M. Mead to resist "the attempts of selfish, un-American labor business interests to tear to tatters the labor standards established by the labor movement, Congress and the State Legislatures." Asserting that the patriotism of organized labor could not be questioned, Mr. Lyons said he saw no reason why new laws to prohibit strikes could not be enacted by Congress.

MILITARY TRAINING DEMANDED FOR CCC

Washington, D. C.—Legislation converting the Civilian Conservation Corps into military training camps was introduced in the Senate this week by Senator Tom Connally (Dem., Tex.).

The proposal, it is expected, will be vigorously opposed by James J. McEntee, director of the C. C. C. and a member of the International Association of Machinists.

Recently, when before the House Appropriations Committee, McEntee was asked whether he favored military training in C. C. C. camps, either compulsory or otherwise, and answered:

"No, sir; unless Congress says we must. Before it does that it would like very much to appear before the committee considering it. It is impractical and too costly."

Following elections in the plants of the General Motors Corporation the Labor Board certified the Pattern Makers League of North America as the sole collective bargaining agency selected by a majority of all wood pattern makers and model makers at five of the corporation's divisions: Local 1411, International Association of Machinists, at one division and the A. F. of L. United Automobile Workers of America at four divisions.

Green Pledges President Roosevelt Labor Will Help National Defense

SENATE PASSES BILL TO BAN LABOR SPIES

Amendments to La Follette Bill Would Also Limit Jobs For Aliens.

Washington, D. C.—The Senate by a vote of 47 to 20 passed the La Follette Civil Liberties bill designed to stop the use of labor spies and abolish the shameless business of professional strikebreaking.

Before the final vote was taken the Senate adopted a number of amendments, including two by Senator Robert R. Reynolds (Dem., N. C.), making it illegal for employers to retain on their payrolls Communists, Fascists and Nazis, and providing that not more than 10 per cent of the employes of a concern engaged in interstate industry shall be aliens, except where the supply of citizens is inadequate.

The exception was made to take care of the west coast lumber industry, Western Senators declared depends largely upon aliens to plant, cultivate and harvest beets.

Propagandists Busy

From the day of its introduction, the measure has been bitterly opposed by employers' organizations, private detective agencies and other anti-union business groups. During the past 10 days, the mail of Senators has been heavy with demands that the bill be sidetracked.

The part of the bill that survived Senate consideration makes it unlawful for employers to employ any person or agency to secure information with respect to the plans or activities of their employes concerning self-organization; to engage strikebreakers; to employ as a private guard any person who acts as a peace officer while armed and while absent from the employer's premises; to possess or use industrial weapons such as gas, sawed-off shotguns and machine guns.

The measure now goes to the House of Representatives for consideration.

MINIMUM PAY ORDERED FOR N. Y. WAITRESSES

New York, N. Y.—Miss Frieda S. Miller, New York State Industrial Commissioner, issued an order directing restaurant keepers in New York City to pay their table waitresses a minimum of 20 cents an hour and their non-service minor employes at least twenty-nine cents, with the provision that after ninety days such employers would be required to pay not-after nine months and 30 cents after twelve and nine months.

Outside New York City employers were directed to pay a minimum of 18 cents to waitresses for nine months, 19 cents for the next year and 20 cents thereafter. Non-service workers outside New York City will get 28 cents minimum now, 29 cents after nine months and 30 cents after one year and nine months.

The minimum wage order, said, will affect 50,000 women and male minor employes in the restaurant industry in New York State. Restaurants must not include tips or meals. Time and a half must be paid for overtime work beyond 48 hours a week.

The minimums promulgated were recommended unanimously by a special wage board consisting of equal representatives of labor, employers and consumers.

LABOR BOARD RULINGS GAINED BY AFL UNIONS

Washington, D. C.—The National Labor Relations Board issued the following orders favoring unions affiliated with the American Federation of Labor:

The Perry-Pay Company, Elyria, Ohio, was ordered to bargain collectively upon request with Lodge No. 1282, International Association of Machinists, and to cease and desist from the union, to embody in a written, signed contract any understanding reached, and to post copies of notices.

California Fig Growers & Packers, Inc., Fresno, California, was ordered to cease discouraging membership in Packing House Local Union No. 19653, or in any other manner interfering with its employes in the exercise of their right to join labor unions of their own choosing.

The Acme-Evans Company, Indianapolis, Ind., was ordered to cease discouraging membership in Federal Labor Union No. 21875, or International Brotherhood of Teamsters & Chauffeurs, Stablemen and Helpers, Local Union No. 135, or in any other manner interfering with the right of its employes to join labor unions of their own choosing.

The Pacific Grape Products Company, Modesto, Calif., was ordered to bargain collectively upon request with Cannery Workers Union, Local 20592, or in any other manner interfering with its employes in the exercise of their right to form labor unions of their own choosing.

Reports to President That No Skilled Labor Shortage Exists.

Washington, D. C.—President William Green gave his personal assurance to President Roosevelt at a White House conference that the American Federation of Labor will cooperate fully with the Government in the national defense program.

Mr. Green was in Louisville, Ky., to address the convention of the International Association of Theatrical and Stage Employes, when he was summoned by telephone to the White House. He made a hurried trip to Washington to keep his appointment with the President.

After his conference with the President, Mr. Green told newspaper reporters at the White House:

"I gave the President my personal pledge that the American Federation of Labor will cooperate in every way with the Government in making the defense program a success.

"I told the President there was no shortage of skilled labor in this country. I reported to him that a survey made by the American Federation of Labor indicated that many thousands of skilled workers who are members of trade unions are still unemployed."

Mr. Green also suggested to the President that if the need arises there are additional thousands of skilled craftsmen who have retired because of age but could be called back to employment. He also added that the apprenticeship and vocational training program conducted by organized labor could turn out a new force of qualified workers.

In his historic address, Mr. Green declared organized labor would support our United States, movement to protect Canada from invasion. He said:

"The AFL stands united with its brethren in Canada and is sympathetic towards them. Their interests are our interests, their welfare is our welfare when it comes to defending the American Continent and the Monroe Doctrine."

Mr. Green challenged recent activity of Thurman Arnold, of the Department of Justice who has been seeking indictments against several labor unions for alleged violations of the anti-trust laws.

"The Supreme Court has refused to go as far as the Department of Justice desires to go in prosecuting labor unions," he said. "We have through interpretation by the Court to save our unions from being subjected to these anti-trust laws."

TIPS AS WAGES HELD UNLAWFUL BY COURT

Dallas, Tex.—Tips are not meant to be used as wages and are considered in applying the provisions of the Wage-Hour law, Federal Judge Joseph C. Hutcheson, Jr., held when he awarded back wages and liquidated damages to 41 red caps employed by the Union Terminal in Dallas. With attorneys' fees added, this means that the terminal company will have to pay out $85,500.

The suit was brought by A. J. Pickett, general chairman of the Brotherhood of Railway Clerks on the M. K. & T. He acted on instructions from President George M. Harrison, who decided not to await action by the enforcement agencies of the government.

Law Changed Matters

The trial opened on May 27. The workers were represented by Stewart B. Flanagan and Edwin D. Francy, members of the firm of Hay & Flanagan, St. Louis.

Both sides agreed that prior to the enactment of the Wage-Hour law, the red caps had worked for tips only and that, after the law became effective, the company notified the men to report the amount of tips received and promised to make up the difference so the red caps would be assured the minimum provided by law.

It was also stipulated that Pickett, acting in behalf of the men, served written notice on the company that this plan was not agreeable and that it violated the law.

"If tipping, familiar as it is with tipping, had meant to include tips as wages, the law would have so provided," Judge Atwell declared.

Riddles Carrier Claims

Replying to arguments made by the railroad attorneys, the court continued: "It is beside the question to talk about 50 men being ready to take the place of every red cap let out. It is likewise beside the question to mention what is done when referring to the employes involved in this suit."

As this is the first case involving the question of tips to employes in computing wages, under the Wage-Hour law, the controversy has attracted nation-wide attention.

Pickett hailed the verdict as a victory for the men and for the law. "For years," he said, "the railroads have been requiring the public to pay their wages. It is rightfully the obligation of the railroads. Thousands of American workers in other lines will benefit from Judge Atwell's interpretation of the law."